Amy B. Vandeveld, SBN 137904
LAW OFFICES OF AMY B. VANDEVELD
1850 Fifth Avenue, Suite 22
San Diego, California 92101
Telephone: (619) 231-8883
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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES, Plaintiff, IMPORT AUTO BODY; THOMAS MOFFITT and DOES 1 THROUGH 10, Inclusive, Defendants.	Case No.: 07 CV 2393 IEG (WMc) REQUEST FOR ENTRY OF CLERK'S DEFAULT AGAINST DEFENDANT IMPORT AUTO BODY

Plaintiff, KAREL SPIKES, respectfully requests that the Clerk of the United States District Court, Southern District, enter default against defendant IMPORT AUTO BODY.

SPIKES filed the instant Complaint on December 20, 2007 TOM "DOE", Agent for IMPORT AUTO BODY, was personally served with the Complaint and Summons on January 11, 2008. The Proof of Service and Summons was filed with this Court on January 30, 2008 (A copy of the Summons and Declaration of Service filed with this Court is attached to the accompanying Declaration of Amy B. Vandeveld as Exhibit "A".)

Pursuant to F.R.Civ.P. Rule 12, IMPORT AUTO BODY was required to respond to the Complaint within 20 days of said service. IMPORT AUTO BODY failed to file a response within the 20 day period and, in fact, has never filed a response to the instant Complaint.

Plaintiff was subjected to discrimination in the instant action because of an inaccessible paths of travel, inaccessible restroom facilities and lack of accessible parking spaces, as well as lack of signage for such space. Plaintiff seeks $4,000.00 per offense, as well as damages for emotional distress and other injuries, as authorized by California Civil Code Section 52. Plaintiff also seeks recovery of his attorneys' fees and costs, as provided by California Civil Code Sections 51, et seq., and 54 et seq., and by Title III of the Americans with Disabilities Act, 42 USC Sec. 12188.

Respectfully submitted:

DATED 2/1, 2008

LAW OFFICES OF AMY B. VANDEVELD

AMY B. VANDEVELD,
Attorney for Plaintiff

Amy B. Vandeveld, State Bar No. 137904
LAW OFFICES OF AMY B. VANDEVELD
1850 Fifth Avenue, Suite 22
San Diego, California 92101
Telephone: (619) 231-8883
Facsimile: (619) 231-8329

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES, Plaintiff, vs. IMPORT AUTO BODY; THOMAS MOFFITT and DOES 1 THROUGH 10, Inclusive, Defendants.	Case No.: 07 CV 2393 IEG (WMc) DECLARATION OF AMY B. VANDEVELD IN SUPPORT OF REQUEST FOR ENTRY OF CLERK'S DEFAULT JUDGMENT AGAINST DEFENDANT IMPORT AUTO BODY

I, AMY B. VANDEVELD, declare:

1. I am the attorney for Plaintiff, and am licensed and admitted to practice before all the courts of California, including the Southern District of United States District Court in California.

2. I have personal knowledge of the facts set forth in this declaration and if called as a witness I could competently testify to the following facts.

3. Attached hereto as Exhibit "A" is a true and correct copy of the Summons and Return of Service of Defendant IMPORT AUTO BODY.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed this 19th day of February, 2008, at San Diego, California.

AMY B. VANDEVELD

Amy B. Vandeveld, Esq.
1850 5th Avenue
SAN DIEGO, CA. 92101
619-231-8883

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES, PLAINTIFF, vs. IMPORT AUTO BODY, et al., DEFENDANT,	Case No. 07CV2393 IEG WMc PROOF OF SERVICE

I, RODRIGO LORA, declare as follows:

I am over the age of eighteen years and not a party to this action. I am employed in the County of San Diego, California, where the service occurred and my business address is 2250 Fourth Avenue, San Diego, CA 92101.

I served the following documents:

SUMMONS IN A CIVIL ACTION; COMPLAINT; CIVIL CASE COVER SHEET

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Exhibit A

AMY B. VANDEVELD, ESQ.SBN 137904
LAW OFFICES OF AMY B. VANDEVELD
1850 5TH AVE.
SAN DIEGO CA 92101
619-231-8883
Attorney for : PLAINTIFF

Ref. No. : 0297903-02
Atty. File No. : 07CV2393IEGWMC

UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : KAREL SPIKES
DEFENDANT : IMPORT AUTO BODY, et al.

Case No.: 07 CV 2393 IEG WMc
PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUMMONS IN A CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET

3. a. Party served : IMPORT AUTO BODY
   b. Person served : TOM "DOE", MANAGER
   (CAUC/M/58YRS/5'8"/180LBS/BROWN/BLONDE)

4. Address where the party was served 8811 JAMACHA RD.
   SPRING VALLEY, CA 91977 (Business)

5. I served the party
   b. **by substituted service.** On January 11, 2008 at 12:30 PM I left the documents listed in item 2 with or in the presence of TOM "DOE", MANAGER,
   CAUC/M/58YRS/5'8"/180LBS/BROWN/BLONDE
   (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
   (4) a **declaration of mailing** is attached.
   (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

6. The "Notice to the person served" (on the summons) was completed as follows:
   c. on behalf of: IMPORT AUTO BODY
   under [xx] CCP 416.10 (corporation)

7. **Person who served papers**
   a. RODRIGO LORA
   b. KNOX ATTORNEY SERVICE, INC.
   2250 Fourth Avenue
   San Diego, California 92101
   c. 619-233-9700
   d. Fee for service: $52.75
   e. I am:
   (3) a registered California process server
   (i) an independent contractor
   (ii) Registration No.: 479
   (iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 24, 2008

Signature: ____________________
RODRIGO LORA

Jud. Coun. form, rule 982.9
JC Form POS 010 (Rev. January 1, 2007)

PROOF OF SERVICE

Exhibit A
2

AMY B. VANDEVELD, ESQ.SBN 137904
LAW OFFICES OF AMY B. VANDEVELD
1850 5TH AVE.
SAN DIEGO CA 92101
619-231-8883
Attorney for : PLAINTIFF

Ref. No. : 0297903-02
Atty. File No. : 07CV2393IEGWMC

UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : KAREL SPIKES
DEFENDANT : IMPORT AUTO BODY, et al.

Case No.: 07 CV 2393 IEG WMc
DECLARATION REGARDING DILIGENCE

I received the within process on 01/09/08. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

Party served IMPORT AUTO BODY

Business : 8811 JAMACHA RD., SPRING VALLEY CA 91977

Attempts to effect service are as follows:

01/09/08 03:44P Attempted service at business; subject not in
01/10/08 07:54A Attempted service at business; subject not in
01/11/08 12:30P Attempted service-effected substitute service

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 24, 2008

Signature: ______________________
RODRIGO LORA

Jud. Coun. form, rule 982.9

DECLARATION RE DILIGENCE

Exhibit A
3

AMY B. VANDEVELD, ESQ.SBN 137904
LAW OFFICES OF AMY B. VANDEVELD
1850 5TH AVE.
SAN DIEGO CA 92101
619-231-8883
Attorney for : PLAINTIFF

Ref. No. : 0297903-02
Atty. File No. : 07CV2393IEGWMC

UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : KAREL SPIKES
DEFENDANT : IMPORT AUTO BODY, et al.

Case No.: 07 CV 2393 IEG WMc
DECLARATION OF MAILING

RE: IMPORT AUTO BODY

I am a citizen of the United States and am employed in the County of SAN DIEGO, State of California. I am over 18 years of age and not a party to this action. My business address is
2250 FOURTH AVENUE, SAN DIEGO CA 92101

On January 23, 2008 I served the within documents:

SUMMONS IN A CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET

On the party in said action, by mailing a true copy thereof (by first-class mail, postage prepaid), enclosed in a sealed envelope at the mail collection site at my place of employment, addressed to the following:

IMPORT AUTO BODY

8811 JAMACHA RD.
SPRING VALLEY, CA 91977

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2008 at SAN DIEGO, California.

Signature: [signature]
FELICIA M. ORTIZ

DECLARATION OF MAILING

Exhibit A
4

PROOF OF SERVICE

I, the undersigned, declare that: I am authorized to serve the following document(s) in the within action pursuant to F.R.Civ.P. 4(c) and that the documents were served on today's date as follows:

1. Case Name/USDC Number:
   Spikes v. Import Auto Body
   USDC No.: 07 cv 2393 IEG (Wmc)
2. Document(s) served:
   REQUEST FOR ENTRY OF CLERK'S DEFAULT AGAINST DEFENDANT IMPORT AUTO BODY;DECLARATION OF AMY B. VANDEVELD IN SUPPORT OF REQUEST FOR ENTRY OF CLERK'S DEFAULT JUDGMENT AGAINST DEFENDANT IMPORT AUTO BODY

3. Person(s) served/Place of service:
   IMPORT AUTO BODY
   8811 Jamacha Road
   Spring Valley, CA 91977
   Defendant

   Mark Miller, Esq.
   Larissa L. Lazarus, Esq.
   LAW OFFICES OF MARK MILLER
   2341 Jefferson Street, Suite 100
   San Diego, CA 92110
   Counsel for Defendant THOMAS MOFFITT

4. Manner of Service:

____ (a) Personal Service: By handing copies of the document(s) to the person served [F.R.Civ.P. 5(b)(2)(A)].

_✓_ (b) Service by Mail: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit. [F.R.Civ.P. 5(b)(2)(B); Cal. Code of Civil Procedure, Sections 1013a, 2015]

____ (c) Facsimile Transmission: From Fax No. (619) 231-8329 to the facsimile number(s) listed on this proof of service. The facsimile machine I used complied with Rule 2003(3), and no error was reported by the machine. [[F.R.Civ.P. 5(b)(2)(D)].

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Executed On: 2/19/08

By: [signature]
LAURIE MILLER